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EXAMINER

HOLMES, MICHAEL B

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary

Application No.

09/678,428

Applicant(s)

TAPIO, THOMAS H.

Examiner

Michael B. Holmes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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Examiner's Detailed Office Action

1. This action is responsive to application **09/678,428**, filed **October 02, 2000**.
2. **Claims 1-37** have been examined.

Information Disclosure Statement

3. Examiner acknowledges applicant's submission of prior art and information disclosure. Nevertheless, applicant is respectfully remind of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by continuing to submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's of application or thereafter.

Drawings

4. The formal drawings have not been reviewed by the United States Patent & Trademark Office of Draftperson's Patent Drawings Review. Form PTO-948 has not been provided.

Specification

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

Claim Interpretation

6. Office personnel are to give claims their "**broadest reasonable interpretation**" in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See *also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. . . . The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed. . . . An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). *see* MPEP § 2106

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. **Claim 1** rejected under 35 U.S.C. 102(e) as being anticipated by
Nichols et al. (USPN 5,987,443), Filed: Dec. 22, 1998; Date of Patent: Nov. 16, 1999.

Regarding Claim 1:

Nichols et al. teaches,

A method of creating electronic files for solving a problem for a learner from the knowledge of an expert comprising the steps of:

receiving the expert's knowledge in an area of expertise; [ABSTRACT ("*A system is disclosed that provides a goal based learning system utilizing a rule based expert training system to provide a cognitive educational experience. The system provides the user with a simulated*

environment that presents a business opportunity to understand and solve optimally. Mistakes are noted and remedial educational material presented dynamically to build the necessary skills that a user requires for success in the business endeavor. The system utilizes an artificial intelligence engine driving individualized and dynamic feedback with synchronized video and graphics used to simulate real-world environment and interactions. Multiple "correct" answers are integrated into the learning system to allow individualized learning experiences in which navigation through the system is at a pace controlled by the learner. A robust business model provides support for realistic activities and allows a user to experience real world consequences for their actions and decisions and entails realtime decision-making and synthesis of the educational material.”)]

providing a template for the electronic files; [(col. 26, line 53-55 “*In addition to the economies gained by the components, it is possible to use templates to further streamline design and development of commonly used interactions.*”) and,

generating the electronic files from the expert's knowledge and the template. [(col. 26, line 55-62 “*We have created templates for several common interactions. For example, Journalizing of Transactions is an interaction that has appeared in several applications. We have built application and Knowledge Workbench templates for Journalization. All one must do to create a new Journalize task is to add graphics for new Transactions and fill in new data into placeholders in the Knowledge Workbench.*”)]

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Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Farley et al. (USPN 5,257,185), Filed: May 21, 1990; Dater of Patent: October 26, 1993

in view of

Nichols et al. (USPN 5,987,443), Filed: Dec. 22, 1998; Date of Patent: Nov. 16, 1999.

Regarding Claim 2:

Farley et al. teaches,

A system for creating electronic files for solving a problem for a learner from the knowledge of an expert comprising the steps of:

means for receiving the expert's knowledge in an area of expertise; [(col. 10, line 35-39 "*In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business problems.*")]

Farley et al. does not teach means for providing a template for the electronic files, and,

means for generating the electronic files from the expert's knowledge and the template.

However, *Nichols et al.* teaches means for providing a template for the electronic files, and,

means for generating the electronic files from the expert's knowledge and the template.

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means for providing a template for the electronic files; [(col. 26, line 53-55 "*In addition to the economies gained by the components, it is possible to use templates to further streamline design and development of commonly used interactions.*")] and,

means for generating the electronic files from the expert's knowledge and the template. [(col. 26, line 55-62 "*We have created templates for several common interactions. For example, Journalizing of Transactions is an interaction that has appeared in several applications. We have built application and Knowledge Workbench templates for Journalization. All one must do to create a new Journalize task is to add graphics for new Transactions and fill in new data into placeholders in the Knowledge Workbench.*")] It would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matters pertains, to combine *Farley et al.* with that of *Nichols et al.* for the purpose of rendering an expert problem solving system with the ability to employ template teaching methods byway of electronic files, because in electronic document processing and desktop publishing systems.

A predesigned or generic document i.e., template that contains general formatting or generic text, can be used to as a general format to build and expand into more complex and specific forms or documents, for knowledge enhancing and pedagogical purposes.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. **Claims 3** are rejected under 35 U.S.C. 102(b) as being anticipated by

Farley et al. (USPN 5,257,185), Filed: May 21, 1990; Dater of Patent: October 26, 1993.

Regarding Claim 3:

Farley et al. teaches,

A method of solving a problem for a learner comprising the steps of:

receiving questions and possible responses from an expert; [(col. 10, line 35-50 "*In the*

interactive Challenger mode, the system may act as a desktop advisor, coach or in-house

expert by employing a question and answer dialogue to assist the users in solving business

problems. With cross-references to the multi-media information of Super-Ref, users can explore

issues raised in the dialogue to any degree of depth. When presented with a question or prompt,

the user is afforded the options of responding directly, responding that more clarification or

exploration is needed (in which case the issue is explored in detail), reviewing related cross-

reference information, glossaries or graphics, or jumping to a different question or topic

altogether. Challenger activity, e.g., the questions and the user responses, is stored individually

by session and retrievable at any time.")]

transmitting the questions and possible responses to the learner; [(col. 10, line 35-50 "*In the*

interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business problems. With cross-references to the multi-media information of Super-Ref, users can explore issues raised in the dialogue to any degree of depth. When presented with a question or prompt, the user is afforded the options of responding directly, responding that more clarification or exploration is needed (in which case the issue is explored in detail), reviewing related cross-reference information, glossaries or graphics, or jumping to a different question or topic altogether. Challenger activity, e.g., the questions and the user responses, is stored individually by session and retrievable at any time.”]

receiving chosen responses to the questions from the learner; [(col. 10, line 35-50 “*In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business problems. With cross-references to the multi-media information of Super-Ref, users can explore issues raised in the dialogue to any degree of depth. When presented with a question or prompt, the user is afforded the options of responding directly, responding that more clarification or exploration is needed (in which case the issue is explored in detail), reviewing related cross-reference information, glossaries or graphics, or jumping to a different question or topic altogether. Challenger activity, e.g., the questions and the user responses, is stored individually by session and retrievable at any time.”]*

determining the learner's problem from learner's chosen responses; [(col. 10, line 35-50 “*In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business*

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problems. With cross-references to the multi-media information of Super-Ref, users can explore issues raised in the dialogue to any degree of depth. When presented with a question or prompt, the user is afforded the options of responding directly, responding that more clarification or exploration is needed (in which case the issue is explored in detail), reviewing related cross-reference information, glossaries or graphics, or jumping to a different question or topic altogether. Challenger activity, e.g., the questions and the user responses, is stored individually by session and retrievable at any time.”) & (col. 12, line 38-52 “Challenger is a category that is cross-referenced to Super Ref at the topic level, but unlike the "display only" function of Super Ref, Challenger provides an interactive or conversational function. It contains a set of questions and answers to be presented to the user to assist in applying Super Ref information to a specific job task. It uses the Socratic method of questioning whereby a user, upon answering a question, is presented with another logically connected question. This method represents how professionals converse with each other and the system is geared so that Challenger can provide unlimited guidance for the users to arrive at the best solutions to job problems themselves. With Challenger coupled to Super Ref, maximum learning with minimum maintenance is achieved.”)] and

providing a solution to the learner's problem. [(col. 12, line 38-52 “Challenger is a category that is cross-referenced to Super Ref at the topic level, but unlike the "display only" function of Super Ref, Challenger provides an interactive or conversational function. It contains a set of questions and answers to be presented to the user to assist in applying Super Ref information to a specific job task. It uses the Socratic method of questioning whereby a user, upon answering a question, is presented with another logically connected question. This method represents how

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professionals converse with each other and the system is geared so that Challenger can provide unlimited guidance for the users to arrive at the best solutions to job problems themselves. With Challenger coupled to Super Ref, maximum learning with minimum maintenance is achieved.”]

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claim 4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Farley et al. (USPN 5,257,185), Filed: May 21, 1990; Dater of Patent: October 26, 1993

in view of

Nichols et al. (USPN 5,987,443), Filed: Dec. 22, 1998; Date of Patent: Nov. 16, 1999.

The *Farley et al.* reference has been discussed above and does not explicitly teach the limitations of **claims 4-5**. However *Nichols et al.* teaches the limitations of **claims 4-5**.

Regarding Claim 4:

Nichols et al. teaches,

The method of claim 3 wherein the step of providing a solution to the learner's problem comprises the step of providing a list of instructions for the learner to follow to solve the problem. [(col. 53, line 49-67 “*What the Student Should Do Next (Instruction) The final piece*

of information the student needs is what to do next. The student knows what the tutor reviewed and knows how he performed. The only thing the student does not know is what to do next. The type of instruction does not have to correspond with the severity of the error. The instructions can be mixed and matched with the type of error. Some of the actions a student could be asked to perform are as follows. Review the General Concept If the tutor recognizes that there are many errors throughout the deliverable, the tutor may suggest that the student go through a review of the supporting materials provided to gain an understanding of the ideas and skills needed to complete the task. Example: There are problems in many journal entries, why don't you review how to journalize transactions and then review your journal entries.”)] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to include a list of instructions for the learner, because doing so adds to and further extends the learning process

Regarding Claim 5:

Nichols et al. teaches,

The method of claim 4 further comprising the step of providing a link for the learner to follow in order to obtain further information about how to perform each step. [(col. 25, line 53-63 “As the design phase progresses, the designer adds more detail to the design of the Concept hierarchy by painting in Coach Topics that the student may need feedback on. The designer can associate multiple feedback topics with each Concept. The designer also characterizes each topic as being Praise, Polish, Focus, Redirect or one of several other types of feedback that are consistent with

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*a proven remediation methodology. The designer can then fill each topic with text, video war stories, **Web page links**, Authorware links, or any other media object that can be delivered to the student as part of the feedback topic.”)] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to employ links because we are in a contemporary computing environment where so much is done in and over the Internet, which house a wealth of knowledge for the learner.*

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. **Claims 6-12, 16-22, 26 & 31-37** are rejected under 35 U.S.C. 102(b) as being anticipated by **Farley et al. (USPN 5,257,185), Filed: May 21, 1990; Dater of Patent: October 26, 1993.**

Regarding Claim 6:

Farley et al. teaches,

A method of creating a learning software application for identifying a solution for a topic from a database of topical knowledge, the method comprising the steps of:

providing a plurality of input fields for receiving input data, the input data comprising interface parameters, topics, questions, answers, rules, and solutions; **[FIG. 5; (col. 10, line 35-39 “In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert**

by employing a question and answer dialogue to assist the users in solving business problems.”]

inputting at least one interface parameter into a first input field to define parameters associated with an interface screen; [(FIG. 5; item 100: Name: Session Number)]

inputting at least one topic into a second input field, wherein the at least one topic is linked to the at least one interface screen; [(FIG. 8; item 38)]

inputting a first question into a third field, wherein the first question corresponds to the at least one topic; [(FIG. 8; item 126: Q1: Do you have any special medical needs that would make this plan desirable?)]

inputting at least one answer into a fourth input field, wherein the at least one answer is responsive to the first question; [(FIG. 8; item 128; FIG. 9; item 130 & 132)]

inputting at least one rule into a fifth input field, wherein the at least one rule applies to the first question, the at least one rule further being associated with a response, the response being one of either a second question and a solution; [(FIG. 11, item 144)]

inputting the solution into a sixth input field, wherein the solution corresponds to the at least one rule; [(FIG. 11; item 140)]

selecting a command which retrieves the input data and generates the learning software application. [(FIG. 5; item 84)]

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Regarding Claim 7:

Farley et al. teaches,

The method of claim 6, wherein the interface parameters include at least a title name.

[(FIG. 8; item 122)]

Regarding Claim 8:

Farley et al. teaches,

The method of claim 6 further including the step of inputting at least one navigation parameter into a seventh input field, for navigating the at least one interface screen. **[FIG. 11; item 146)]**

Regarding Claim 9:

Farley et al. teaches,

The method of claim 6 further including the step of inputting at least one subtopic into a seventh input field, wherein each subtopic corresponds to the at least one topic. **[(FIG. 8; item 40 & 38)]**

Regarding Claim 10:

Farley et al. teaches,

The method of claim 6, wherein the solution is a multimedia asset. **[(col. 12, line 66 to col. 13, line 02 “The user can jump around to perform activities in a personally desired sequence, can learn in *multi-media* wherever desired, and with windowing Super Ref knowledge, can “look up” the answer to quiz questions before entering an answer.”)]**

Regarding Claim 11:

Farley et al. teaches,

The method of claim 6, wherein the solution is text. [FIG. 14A; FIG. 14B & FIG. 14C; (FIGS. 14A 14B and 14C illustrate typical User Component screen displays for **viewing text and graphics in multiple information categories for a given topic**;)]

Regarding Claim 12:

Farley et al. teaches,

The method of claim 10, wherein the multimedia asset is one of either a text multimedia asset, a sound multimedia asset, a video multimedia asset, an image multimedia asset, a document and a web page. [(col. 10, line 32-41 “The User Component 12 allows end-users 20 operational access to the knowledgebase and some of the session base portion of database 18 for on-the-job assistance in three different modes. **In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business problems. With cross-references to the multi-media information of Super-Ref, users can explore issues raised in the dialogue to any degree of depth.**”)]

Regarding Claim 16

Farley et al. teaches,

A method of solving a problem for a learner comprising the steps of:

accessing an electronic file, the electronic file comprising a learning software application for

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identifying a solution for a topic from a database of topical knowledge, the learning software being created by a method comprising the steps of:

providing a plurality of input fields for receiving input data, the input data comprising interface parameters, topics, questions, answers, rules and solutions; **[FIG. 5; (col. 10, line 35-39 “In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business problems.”)]**

inputting at least one interface parameter into a first input field to define parameters associated with an interface screen; **[(FIG. 5; item 100: Name: Session Number)]**

inputting at least one topic into a second input field, wherein the at least one topic is linked to the at least one interface screen; **[(FIG. 8; item 38)]**

inputting a first question into a third field, wherein the first question corresponds to the at least one topic; **[(FIG. 8; item 126: Q1: Do you have any special medical needs that would make this plan desirable?)]**

inputting at least one answer into a fourth input field, wherein the at least one answer is responsive to the first question; **[(FIG. 8; item 128; FIG. 9; item 130 & 132)]**

inputting at least one rule into a fifth input field, wherein the at least one rule applies to the first question, the at least one rule further being associated with a response, the response being one of either a second question and a solution; **[(FIG. 11, item 144)]**

inputting the solution into a sixth input field, wherein the solution corresponds to the at least one rule; **[(FIG. 11; item 140)]** and

selecting a command which retrieves the input data and generates the learning software application **[(FIG. 5; item 84)]** the method of solving further comprising:

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selecting a desired interface screen, wherein each interface screen; [(FIG. 8)]
selecting a desired topic associated with the selected interface screen; [(FIG. 8; item 38)];
providing a response to a first question; [(FIG. 8; item 128)] and,
receiving one of either a second question or a solution. [col. 16, line 22-35 "*The Challenger Window 120 (FIG. 8) directs all Challenger activities, including question display, response selection and access to Super Ref (Information 134) content categories. FIG. 8 shows the Challenger Window as it initially appears. At the top, the Title Bar 122 shows the Mode selected and Name field content, copied from the Main Window. In the upper left corner of the main area 124, the subtopic name 40 is displayed below the subject name 36 and higher level topic 38 to which it is related. The first topic question 126 is then shown. When answered, questions are replaced by new ones automatically. As the user completes the questions for one topic and moves to another, the topic name is automatically updated.*"]

Regarding Claim 17:

Farley et al. teaches,

The method of claim 16, wherein the interface parameters include at least a title name.

[(FIG. 8; item 122)]

Regarding Claim 18:

Farley et al. teaches,

The method of claim 16 further including the step of inputting at least one navigation parameter into a seventh input field, for navigating the at least one interface screen. [FIG. 11; item 146]

Regarding Claim 19:

Farley et al. teaches,

The method of claim 16 further including the step of inputting a at least one subtopic into a seventh input field, wherein each subtopic corresponds to the at least one topic. [(FIG. 8; item 40 & 38)]

Regarding Claim 20:

Farley et al. teaches,

The method of claim 16, wherein the solution is a multimedia asset. [(col. 12, line 66 to col. 13, line 02 "*The user can jump around to perform activities in a personally desired sequence, can learn in **multi-media** wherever desired, and with windowing Super Ref knowledge, can "look up" the answer to quiz questions before entering an answer.*")]

Regarding Claim 21:

Farley et al. teaches,

The method of claim 16, wherein the solution is text. [FIG. 14A; FIG. 14B & FIG. 14C; (FIGS. 14A 14B and 14C illustrate typical User Component screen displays for **viewing text and graphics in multiple information categories for a given topic**;)]

Regarding Claim 22:

Farley et al. teaches,

The method of claim 20, wherein the multimedia asset is one of either a text multimedia asset, a

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sound multimedia asset, a video multimedia asset, an image multimedia asset, a document and a web page. [(col. 10, line 32-41 "*The User Component 12 allows end-users 20 operational access to the knowledgebase and some of the session base portion of database 18 for on-the-job assistance in three different modes. In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business problems. With cross-references to the multi-media information of Super-Ref, users can explore issues raised in the dialogue to any degree of depth.*")]

Regarding Claim 26:

Farley et al. teaches,

A computer program for generating a learning software application, the learning software for identifying a solution for a topic from a database of topical knowledge, the computer program comprising:

a first code segment for inputting at least one interface parameter associated with an interface screen; [(FIG. 5; item 100: Name: Session Number)]

a second code segment for inputting at least one topic, wherein the at least one topic is linked to the at least one interface screen; [FIG. 8; item 38)]

a third code segment for inputting a first question, wherein the first question corresponds to the at least one topic; [(FIG. 8; item 126: Q1: Do you have any special medical needs that would make this plan desirable?)]

a fourth code segment for inputting at least one answer, wherein the at least one answer is

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responsive to the first question; [(FIG. 8; item 128; FIG. 9; item 130 & 132)] and, a fifth code segment for inputting at least one rule, wherein the at least one rule applies to the first question, the at least one rule further being associated with a response, the response being one of either a second question and a solution, wherein the response is dependant upon the answer to the first question and wherein the solution corresponds to the at least one rule.

[(FIG. 11, item 144)]

Regarding Claim 31:

Farley et al. teaches,

The computer program of claim 26, wherein the at least one interface parameter includes at least a title name. [(FIG. 8; item 122)]

Regarding Claim 32:

Farley et al. teaches,

The computer program of claim 26 further comprising a sixth code segment for inputting at least one navigation parameter for navigating the at least one interface screen. [FIG. 11; item 146)]

Regarding Claim 33:

Farley et al. teaches,

The computer program of claim 26 further comprising a seventh code segment for inputting at least one subtopic, wherein each of the at least one subtopic corresponds to the at least one topic.

[(FIG. 8; item 40 & 38)]

Regarding Claim 34:

Farley et al. teaches,

The computer program of claim 26, wherein the solution is a multimedia asset. [(col. 12, line 66 to col. 13, line 02 "*The user can jump around to perform activities in a personally desired sequence, can learn in multi-media wherever desired, and with windowing Super Ref knowledge, can "look up" the answer to quiz questions before entering an answer.*")]

Regarding Claim 35:

Farley et al. teaches,

The computer program of claim 26, wherein the solution is text. [FIG. 14A; FIG. 14B & FIG. 14C; (FIGS. 14A 14B and 14C illustrate typical User Component screen displays for viewing text and graphics in multiple information categories for a given topic;)]

Regarding Claim 36:

Farley et al. teaches,

The computer program of claim 34, wherein the multimedia asset is one of either a text multimedia asset, a sound multimedia asset, a video multimedia asset, an image multimedia asset, a document and a web page. [(col. 10, line 32-41 "*The User Component 12 allows end-users 20 operational access to the knowledgebase and some of the session base portion of database 18 for on-the-job assistance in three different modes. In the interactive Challenger mode, the system may act as a desktop advisor, coach or in-house expert by employing a question and answer dialogue to assist the users in solving business problems. With cross-*

*references to the **multi-media** information of Super-Ref, users can explore issues raised in the dialogue to any degree of depth.”]*

Regarding Claim 37:

Farley et al. teaches,

A method of creating a learning software application for identifying a solution for a topic from a database of topical knowledge, the method comprising the step of:

providing access to a computer program comprising:

a first code segment for inputting at least one interface parameter associated with an interface screen; **[(FIG. 5; item 100: Name: Session Number)]**

a second code segment for inputting at least one topic, wherein the at least one topic is linked to the at least one interface screen; **[FIG. 8; item 38)]**

a third code segment for inputting a first question, wherein the first question corresponds to the at least one topic; **[(FIG. 8; item 126: Q1: Do you have any special medical needs that would make this plan desirable?)]**

a fourth code segment for inputting at least one answer, wherein the at least one answer is responsive to the first question; **[(FIG. 8; item 128; FIG. 9; item 130 & 132)]** and,

a fifth code segment for inputting at least one rule, wherein the at least one rule applies to the first question, the at least one rule further being associated with a response, the response being one of either a second question and a solution, wherein the response is dependant upon the answer to the first question and wherein the solution corresponds to the at least one rule.

[(FIG. 11, item 144)]

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 13-14, 15, 23-24, 25, 27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Farley et al. (USPN 5,257,185), Filed: May 21, 1990; Dater of Patent: October 26, 1993
in view of

Nichols et al. (USPN 5,987,443), Filed: Dec. 22, 1998; Date of Patent: Nov. 16, 1999
in further view of

Walker et al. (USPN 5,947,747), Filed: May 9, 1996; Date of Patent: Sep. 7, 1999.

The *Farley et al.* reference has been discussed above and does not explicitly teach the limitations of **claims 13-14, 15, 23-24, 25, 27-30**. However *Nichols et al.* teaches the limitations of **claims 13-14, 15, 23-24, 25, 28-30**, and *Walker et al.* teaches the limitations of **claim 27**.

Regarding Claim 13 & 23:

Nichols et al. teaches,

The method of claim 6, wherein the fields are dialog boxes disposed within a graphical user interface image. [“(FIG. 11 & FIG. 12”)"] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to

employ dialog boxes, because traditionally in a graphical user interface (GUI) programmers have used the special window displayed by the system or application to solicit a response from the user.

Regarding Claim 14 & 24:

Nichols et al. teaches,

The method of claim 13, wherein the dialog boxes for each of the input fields for inputting the input data are disposed within separate graphical user interface image. [(**“FIG. 27 FIG. 28”**)] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to employ dialog boxes, because traditionally in a graphical user interface (GUI) programmers have used the special window displayed by the system or application to solicit a response from the user.

Regarding Claim 27:

Walker et al. teaches,

The computer program of claim 26 further including a generator that generates the learning software from the at least one interface parameter, topic, question, answer and rule. [(**col. 17, line 17-49 “FIGS. 14-19 illustrate another embodiment of the invention in which the test questions are not pre-stored at the testing computer 200. Referring now to FIG. 14, there is shown an exemplary embodiment of a process for distributing tests to students for examinations taken at home. Teachers (or commercial testing services) create a set of floppy disks with test**

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*questions and distribute them to students to take the tests at a given start time. At step 1410, the teacher enters the **test questions** into test generator software operating on a standard personal computer. At step 1420, the teacher enters the personal IDs of each student taking the test into the test generator software to ensure that only authorized students can take the test. At step 1430, the teacher enters an unlock code and one or more cryptographic keys of any desired type. The unlock code is used by the test-takers to activate the test session, while the cryptographic keys will be used by the students to encrypt their test results. At step 1440, the teacher enters both a start and finish date/time for the test, perhaps declaring that the test will begin at 1:00 PM on Saturday and end at 3:00 PM the same day. Lastly, the teacher enters a unique test ID number at step 1450, which allows the central computer 300 to track the results of the test. At step 1460, the test generator software creates multiple copies of the test and stores the tests onto individual disks. The test disks can take many forms including floppy disks, tape cartridges, magneto-optical disks, etc. The disks do not have to be identical. Each disk's **questions** could be arranged in a different order, or each disk could contain different questions. For example, the teacher could enter a large number of **questions** into the generator software with randomly selected subsets of these **questions to be generated** for different disks. “)] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to employ a software generator for generating learning software because issues such as Fraud, and the need for proctoring, are alleviated i.e., deterred during multiple student testing via an option for simultaneous testing of geographically dispersed test-takers.*

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Regarding Claim 15, 25 & 28:*Nichols et al.* teaches,

The method of claim 6, wherein the generated software is comprised of HTML files, Javascript files and cascading style sheets files. [(col. 9, line 54 to col. 10, line 10 "*Thus, through the development of frameworks for solutions to various problems and programming tasks, significant reductions in the design and development effort for software can be achieved. A preferred embodiment of the invention utilizes **HyperText Markup Language (HTML)** to implement documents on the Internet together with a general-purpose secure communication protocol for a transport medium between the client and the Newco. HTTP or other protocols could be readily substituted for **HTML** without undue experimentation. Information on these products is available in T. Berners-Lee, D. Connolly, "RFC 1866: Hypertext Markup Language—2.0" (November 1995); and R. Fielding, H. Frystyk, T. Berners-Lee, J. Gettys and J. C. Mogul, "Hypertext Transfer Protocol--HTTP/1.1: HTTP Working Group Internet Draft" (May 2, 1996). HTML is a simple data format used to create hypertext documents that are portable from one platform to another. HTML documents are SGML documents with generic semantics that are appropriate for representing information from a wide range of domains. **HTML has been in use by the World-Wide Web global information initiative since 1990. HTML is an application of ISO Standard 8879; 1986 Information Processing Text and Office Systems; Standard Generalized Markup Language (SGML).**")]*

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to employ HyperText Markup Language (HTML) files, because they allow for the implementation of documents on the Internet. Moreover, HTML is a simple data format used to create hypertext

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documents that are portable from one platform to another. HTML documents are SGML documents with generic semantics that are appropriate for representing information from a wide range of domains. HTML has been in use by the World-Wide Web global information initiative since 1990. HTML is an application of ISO Standard 8879; 1986 Information Processing Text and Office Systems; Standard Generalized Markup Language (SGML).

Regarding Claim 29:

Nichols et al. teaches,

The computer program of claim 27, further including a database layer, a processing layer, a generator layer and a graphical user interface layer, wherein the processing layer receives requests from the graphical user interface layer and the generator layer and wherein the processing layer requests information from the computer program via the database layer and returns information from and to the graphical user interface layer and performs validations of the at least one interface parameter, topic, question, answer and rule. **[FIG. 2; (col. 11, line 38-46**

“FIG. 2 is a block diagram of a system architecture in accordance with a preferred embodiment.

The Presentation `layer` 210 is separate from the activity `layer` 220 and communication is facilitated through a set of messages 230 that control the display specific content topics. A preferred embodiment enables knowledge workers 200 & 201 to acquire complex skills rapidly, reliably and consistently across an organization to deliver rapid acquisition of complex skills.”]

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to employ a processing environment whereby different processing layers work together to produce a multi-tasking computing environment for

the user or computing organization to efficiently accomplish their computing processing needs.

Regarding Claim 30:

Nichols et al. teaches,

The computer program of claim 29, wherein the processing layer inputs the data into the computer program via the database layer. [(“*FIG. 41 is a block diagram setting forth the architecture of a simulation model in accordance with a preferred embodiment ...* “)] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains to employ a database layer which is generally adapted to store and access data.

Conclusion

20. The prior art made of record and (listed of form **PTO-892**) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

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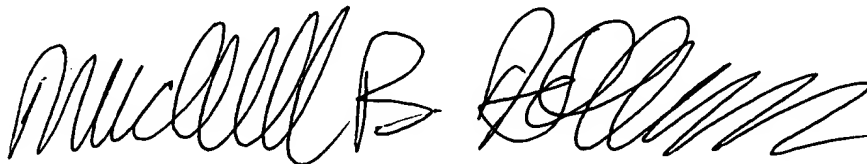
Correspondence Information

21. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anil Khatri**, may be reached at **(703) 305-0282**.

Any response to this office action should be mailed too:

Director of Patents and Trademarks Washington, D.C. 20231. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia**.

A handwritten signature in black ink, appearing to read 'Michael B. Holmes', with a stylized, cursive script.

Michael B. Holmes

Patent Examiner

Artificial Intelligence

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United States Department of Commerce

Patent & Trademark Office